

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARIO TORRES,  
Plaintiff,

v.

DIANE BECTON, et al.,  
Defendants.

Case No. [19-cv-06865-MMC](#)

**ORDER DENYING SEVENTH  
REQUEST FOR EXTENSION**

Before the Court is plaintiff Mario Torres's "Request for Extension of Time," filed October 23, 2020, whereby he seeks a seventh extension of the deadline for filing his Second Amended Complaint. The instant request, like the immediately preceding four, is based on his inability to access the Contra Costa County Law Library in light of the COVID-19 pandemic, and, additionally, on the fact that he is facing deadlines in a number of other federal and state court cases.<sup>1</sup> Having read and considered the instant request, the Court rules as follows.

By order filed December 20, 2019, the Court dismissed plaintiff's First Amended Complaint and afforded plaintiff leave to file, no later than January 17, 2020, an amended complaint. Thereafter, plaintiff was, as noted, granted six extensions of said deadline. In its most recent order granting such extension, the Court reiterated its concern as to the "amount of time the above-titled case has been pending without an operative complaint

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<sup>1</sup> The first two extensions were granted on the basis of plaintiff's then current incarceration.

1 having been filed” and noted that, despite its previously having advised plaintiff to  
2 “consult the Contra Costa County Bar Association about other potential resources,”  
3 plaintiff’s sixth request made “no reference to the availability of other resources or any  
4 inquiry he made in that regard, beyond whatever information he has received regarding  
5 the availability of the Contra Costa County Law Library.” (See Order, filed Aug. 24, 2020,  
6 at 1:20-2:2; 2:6-9 (internal quotation and citation omitted).) In light of his brother’s  
7 passing, however, the Court, by said order, granted plaintiff “one final extension” to file,  
8 no later than October 23, 2020, an amended complaint. (See id. at 2:10-13.)

9 To date, plaintiff has not filed such complaint. Rather, as noted, plaintiff has filed a  
10 seventh Request for Extension of Time. In this latest request, plaintiff makes no  
11 reference to the Court’s statement in its prior order that his last extension was his “final”  
12 extension (see Order, filed Aug. 24, 2020, at 2:10-11), nor does he include any new facts  
13 that might warrant reconsideration of that determination.

14 In particular, aside from listing the deadlines in his other cases and his need to  
15 “educate himself in all of [those] matters” as well, the only facts plaintiff includes in the  
16 instant request that are not included in his sixth request are that (1) the Contra Costa  
17 County Law Library is still closed and “a date of opening [is] not yet known”; (2) he is now  
18 able to use that law library’s email address to request information and, after making such  
19 request, he has not obtained “all that is needed.” (See Req. for Extension of Time, filed  
20 Oct. 23, 2020, at 2:12-28.)

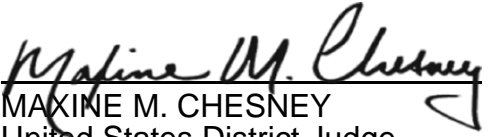
21 As with his sixth request, however, plaintiff again fails to address the efforts he has  
22 made, if any, to avail himself of other resources besides the Contra Costa County Law  
23 Library, despite his having been previously advised by the Court to consult the Contra  
24 Costa County Bar Association about such resources. Moreover, he again does not state  
25 whether he has made any inquiry as to the availability or cost of public transportation to  
26 the law library in Fairfield, which he states is open, or whether he knows anyone who  
27 could drive him there. Lastly, any obligations he may have in connection with other legal  
28 proceedings do not relieve plaintiff of the obligation to comply with the deadlines set in

1 this case.

2 In light of the above, plaintiff's seventh Request for Extension of Time is hereby  
3 DENIED, and the instant action is hereby DISMISSED.

4 **IT IS SO ORDERED.**

5  
6 Dated: October 27, 2020

  
MAXINE M. CHESNEY  
United States District Judge

United States District Court  
Northern District of California